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EXAMINER
HU, KANO

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/803,881	NISHIMURA, KATSUHITO
	Examiner	Art Unit	
	KANG HU	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 December 2008</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-27</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-27</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on <u>19 March 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All b) ☐ Some * c) ☐ None of:
       1. ☒ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 12/4/2008 has been entered. Claim 27 has been

added, currently claims 1-27 are pending in the application.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

3.   Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. Claims 1, 6, 7, 8, 13, 14, 15, 17, 19, 21, 23 and 25 recite "a difference length

calculating programmed logic circuitry for calculating at said intervals of said predetermined

number of frames a difference length between a predetermined reference distance and a distance

between said location of said target location and a location of said virtual camera" and "a virtual-

camera-location updating programmed logic circuitry for updating at said intervals of said

predetermined number of frames in order said location of said virtual camera in such a manner

that said difference length calculated by said <u>difference length calculating programmed logic</u>

<u>circuit is reduced by a predetermined rate when said different length exists, regardless of the</u>

<u>direction in the change of the speed of the player character in the game space</u>", the closest

support can be found on page 32, lines 5-12 of the specification, the support recites "the camera

location is updated in such a manner that the point-of-regard location is brought close to the

target location at the predetermined ratio, that is, the same process is repeated irrespective of

presence or absence of the movement or the moving speed of the player character. Similar

recitation of "irrespective of whether or not the player has moved" can be found throughout the

specification.

        However none of the disclosure provided by the applicant discloses the change in

direction as claimed, specifically the applicant has not described the change in the reverse

direction - how one would be able to update the point-of-regard location when the player

character moves in the reverse direction toward the camera location. To satisfy the written

description requirement, a patent specification must describe the claimed invention in sufficient

detail that one skilled in the art can reasonably conclude that the inventor had possession of the

claimed invention. See, e.g., Moba, B.V. v. Diamond Automation, Inc., 325 F.3d 1306, 1319, 66

USPQ2d 1429, 1438 (Fed. Cir. 2003); Vas-Cath, Inc. v. Mahurkar, 935 F.2d at 1563, 19

USPQ2d at 1116. The paragraph cited on page 32, the formulas from pages 21, 22 and 26, the

drawings provided, especially figures 5, 6 20 and 11 does not provide any description of

difference in length when the player character moves in the reverse direction.

Additionally the examiner did not find support of how the difference length calculated is reduced when the player character in the game is moving. Although the specification recites "point-of-regard location is brought close to the target location at the predetermined ratio, that is, the same process repeated irrespective of presence or absence of the movement or the moving speed of the player character", it is not the same as bringing in the camera closer to the target location irrespective of movement of the player character. And therefore the specification does not provide adequate written description that the inventor had possession of the claimed invention. None of the applicant's specification or drawing provides any support of how the difference length is shortened other than when the player has stopped moving altogether.

Re claim 27, the limitation of claim 27 recites "said difference length calculated by said difference length calculating programmed logic circuitry is reduced by a predetermined rate when said difference length exists, when the speed of the player character increases." The closest support for the limitation can be found in the cited section above, "point-of-regard location is brought close to the target location at the predetermined ratio, that is, the same process repeated irrespective of presence or absence of the movement or the moving speed of the player character" is not the same as reducing the difference length between the player character and the camera location as explained above, therefore claim 27 is rejected for the same reason as above.

4.   Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

5.   Claims 1, 6, 7, 8, 13, 14, 15, 17, 19, 21, 23 and 25 recite "a virtual-camera-location

updating programmed logic circuitry for updating at said intervals of said predetermined number

of frames in order said location of said virtual camera in such a manner that said difference

length calculated by said difference length calculating programmed logic circuit is reduced by a

predetermined rate when said different length exists, regardless of the direction in the change of

the speed of the player character in the game space." Claim 27 recites "reduced by a

predetermined rate when said difference length exists, when the speed of the character

increases". The closest support can be found on page 32, lines 5-12 of the specification, the

support recites "the camera location is updated in such a manner that the point-of-regard location

is brought close to the target location at the predetermined ratio, that is, the same process

repeated irrespective of presence or absence of the movement or the moving speed of the player

character. Similar recitation of "irrespective of whether or not the player has moved" can be

found throughout the specification. The description from the specification does not provide

person skill in the art to make and use the invention without undue experimentation, specifically

to reduce the length between the player character and the camera reference point by a

predetermined rate when the player character is changing direction (both forward and backward)

and change in speed. The difference length calculated is best understood to be the length moved

by the player; therefore it would have been impossible to reduce it by a predetermined rate

regardless of the direction in the change of the speed of the player character as the difference

length is dependent on the speed and the direction of the moving player character. The equations

provided in the specification on pages 21, 22, and 26; and the various examples provided in

figures 5, 6, 10 and 11 does not enable one of ordinary skill in the art at the time of the invention

to reduce said such length.

Applicant's response dated 12/04/08 specifically points to fig 5 and the abstract in support of the

amended language found in claims 1, 6, 7, 8, 13, 14, 15, 17, 19, 21, 23 and 25 and newly added

claim 27. However the examiner failed to find any support of the claimed limitation in fig 5 and

the abstract.

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

>   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
>   subject matter which the applicant regards as his invention.

7.   Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

8.   Claims 1, 6, 7, 8, 13, 14, 15, 17, 19, 21, 23, 25 and 27 recites the limitation "the change

of the speed of the player character" newly amended by the applicant. There is insufficient

antecedent basis for this limitation in the claim.

9.   Claims 1, 6, 7, 8, 13, 14, 15, 17, 19, 21, 23 and 25 are rejected under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention. The claims recite "regardless of the

direction in the change of the speed of the player character in the game space", it is unclear to

one of ordinary skill in the art how the change of the speed is effected by the direction, as the

two are two different measurements, one measuring the direction of the player character and the

other measuring the speed of the player character.

Claims 2-5, 9-12, 16, 18, 20, 22, 24, and 26 are rejected upon their incorporation of the above

through dependency of claims 1, 6, 7, 8, 13, 14, 15, 17, 19, 21, 23 and 25.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.   Claims 1, 4-8, 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

Mizumoto (US 6,409,597 B1).

Re claims 1, 6-8, 13 and 14, Mizumoto teaches a game apparatus as best understood by the

examiner in which a virtual camera arranged in a three-dimensional game space (col 6, lines 1-

12) is made to move to follow a target location determined by a location of a player character in

the game space so that a behavior of the player character in the game space (fig. 5) is displayed

in a display as a game image comprising: an input-information obtaining programmed logic

circuitry for obtaining input information input through a controller by a player at intervals of a

predetermined number of frames in order to move said player character in said game space (col

7, line 5: controller); a location updating programmed logic circuitry for updating the location of

said player character and said target location in said game space based on said input information

at said intervals of said predetermined number of frames (col 7, line 15: position determination

unit); a difference length calculating programmed logic circuitry for calculating at said intervals

of said predetermined number of frames a difference length between a predetermined reference

distance and a distance between said location of said target location and a location of said virtual

camera (col 8, lines 26-31: point GP (set position) of the viewpoint is determined by satisfying or

not satisfying predetermined viewpoint conditions. In the case where present point NP of the

viewpoint differs from set point GP when the viewpoint conditions are satisfied, the viewpoint

moves at moving speed MS (points/frame) set by the number of points per frame); a virtual-

camera-location updating programmed logic circuitry for updating at said intervals of said

predetermined number of frames in order said location of said virtual camera in such a manner

that said difference length calculated by said difference length calculating programmed logic

circuitry is reduced by a predetermined rate when said difference length exists (col 8, line 30:

viewpoint moves at moving speed MS; Col 8, lines 40-41: setting set point GP at zero, and

moving speed MS at 4), regardless of the direction in the change of the speed of the player

character in the game space (set conditions does not depend on direction and moving speed of

the player character, rather depends specific events that happen during the game); and a game-

image generating programmed logic circuitry for generating the game image based on the

updated location of said player character and location of said virtual camera (col 3, lines 5-19).

Re claims 4 and 5, 11 and 12, a distance determining programmed logic circuitry for setting a

maximum distance that uses said target location as a reference, and determining whether or not

the distance between the target location and said virtual camera location is rendered longer than

said maximum distance; and a forcedly updating programmed logic circuitry for forcedly

updating said virtual camera location to a location within the maximum distance that uses said

target location as a reference when determined by said distance determining programmed logic

circuitry that the distance is rendered longer than said maximum distance (fig 5; col 8, lines 23-

25: closest point p1 closest to the player's car corresponds to zero points, and farthest point p2

farthest to the players car corresponds to 500 points).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

13.   Claims 2, 3, 9, 10, and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mizumoto (US 6,409,597 B1).

Re claims 2, 3, 9 and 10, a virtual-camera setting programmed logic circuitry for arranging the

virtual camera in a location determined in a predetermined manner toward a point of regard, and

setting a direction of said virtual camera in such a manner as to face said point of regard (col 8,

lines 14-15: direction of the viewpoint is set to correspond to the direction of the player's car);

wherein a reference location is a location of said point of regard (claim 2) and a reference

location is a location of said virtual camera (claim 3); The two differs that one teaches of having

a camera pointing at a point of regard, and the other defines the point of regard as the camera

location. Mizumoto teaches such by using a virtual camera (hereinafter referred to as

"viewpoint" disposed at a predetermined position with respect to the game character (col 1, lines

32-35); Mizumoto further teaches in fig 5, that the point GP is the virtual camera location, where

said virtual-camera-location updating programmed logic circuitry updates in order the location of

said virtual camera by updating in order the location of said point of regard in such a manner that

a distance from said target location to the location of said point of regard is shortened at a

predetermined ratio (col 8, line 38-43: condition 2, the viewpoint is positioned closest to the

player's car by setting point GP at zero, and moving speed MS at 4). Mizumoto is silent to

having a virtual camera follow a point of regard, instead Mizumoto sets different conditions of

how far the camera should be from the player character in different situations.

At the time the invention was made, it would have been an obvious matter of design

choice to a person of ordinary skill in the art to designate a point of reference where the point of

reference is the point of regard or the location of virtual camera, as both are used to provide a

viewpoint to the end user. Applicant has not disclosed that by having the point of reference as the

point of regard or the location of virtual camera provides an advantage, is used for a particular

purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have

expected different viewpoints to be displayed as Mizumoto moves the virtual camera a distance

from the player character with varying conditions, it would have performed equally well because
both performs the function of allowing the user to visualize the player character with ease.

Therefore, it would have been prima facie obvious that although Mizumoto does not
explicitly teach of having a virtual camera point at the point of reference, by adjusting the
camera location to a distance from the player character would have created equal effect and
would have been considered a mere design consideration which fails to patentably distinguish
over the prior art of Mizumoto.

Re claims 15-26, claim 1 teaches all the limitations except for wherein in a moving speed of the
virtual camera is variable and is determined based on said determined distance; and so that the
moving speed is faster when said determined distance is further and slow when said determined
distance is closer. Mizumoto teaches that the moving speed of the virtual camera is variable (col
8, lines 41-67: moving speed MS at 4, 10, and 3), however Mizumoto does not teach that the
variable is determined based on said determined distance, that the moving speed is faster when
said determined distance is farther and slow when said determined distance is closer; however it
would have been prima facie obvious at the time of the invention to determine the speed of the
camera based on the determined distance because, the distance traveled depends on the speed of
the player, and the speed of the camera is dependent upon the speed of the player character, as
the player character moves faster and further away from the camera, the camera would need to
also move faster in order to catch up to the player in order to provide the user with a clear view
of the player character. Therefore the speed of the camera would depend on the distance traveled,
also the speed of the player character.

Re claim 27, Mizumoto teaches the limitations of claim 27 in claim 1 except for when the speed

of the player character increases, Mizumoto is silent in regard to the player's character speed,

Mizumoto's conditions does not depend on the speed of the player character, rather on the

conditions set forth in col 8, lines 34-67. It would have been prima facie obvious at the time of

the invention to set a condition (increase in speed) for the location of said camera to the player

character to reduce by a predetermined rate to cause a impressive image viewed by the player.

Response to Arguments

14.   Applicant's arguments with respect to claims 1-27 have been considered but are moot in

view of the new ground(s) of rejection.

Previous office action was rejected with Mizumoto in view of Fukuda, However after further

consideration in view of the newly amended limitations; the claims are rejected based on

Mizumoto alone, Mizumoto teaches the claimed invention in the cited sections above,

specifically reducing the difference length calculated by a predetermined rate when said

difference exists, regardless of the direction in the change of the speed of the player character in

the game space with the condition of when the player crashes, the GP is set to 0 with speed of 4

points/frame or when the player's car approaches an obstacle, the viewpoint is positioned quickly

approach the car by setting set point GP at 35, and moving speed MS at 10, regardless of the

speed and direction of travel. Therefore the claims are not patentable over the applied reference

of Mizumoto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-262-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kathleen Mosser/
Primary Examiner, Art Unit 3715

/K. H./
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